

## REMARKS

### Status of the Claims

- Claims 1-16, 19-20, and 25-33 are pending in the Application.
- Claims 1-16, 19-20, and 25-33 are rejected by Examiner.
- Claims 25-30 remain withdrawn via restriction.
- New claims 34 and 35 have been added by this amendment. The claims correspond to previously cancelled claims 17 and 18.

### Claim Rejections Pursuant to 35 U.S.C. §101

Claims 8-14 and 32 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter (i.e. software per se). The Examiner contends that a computer readable medium is not an article of manufacture within the meaning of 35 U.S.C. § 101. Applicants respectfully traverse the rejection.

The specification paragraph 102 indicates that an embodiment of a computer readable medium, such as a tangible CD-ROM or persistent computer storage, includes software code (instructions). The software code is not the medium. Rather, the medium contains thereon the software code. Applicants further direct the Examiner to *In Re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995), which cites the PTO's agreement that "computer programs embodied in a tangible medium, such as floppy diskettes, are patentable subject matter under 35 U.S.C. § 101 and must be examined under 35 U.S.C. §§ 102 and 103." Applicants respectfully submit that claims 8-14 and 32 recite statutory subject matter.

### Claim Rejections Pursuant to 35 U.S.C. §103

Claims 1-16, 19-20, and 31-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,675,205 to Meadway et al. (Meadway) in view of U.S. Patent No. 6,757,734 to Resenius et al. (Resenius) and US 2007/0174428 (Lev Ran). Applicant respectfully traverses the rejection.

## **I. The Claimed Invention**

The present invention is generally directed to, for example, polling a server for a task request, the task request generated by a remote client computer, the task request requesting a file residing on a local computer, receiving the task request from the server, the task request identifying the file from the local computer associated with a local agent, and responsive to the task request, causing the file to be uploaded to the server from the local computer.

## **II. The Cited Prior Art**

Meadway discloses a peer-to-peer asynchronous file sharing service. The service performs centralized searches based on index information transmitted by peer systems to a central site using an agent program running on each peer and then directs the peer systems to each other for the purpose of retrieving files. If none of the peer systems known to contain the file is online, the request is placed in a queue of file requests maintained by the central site. When a system containing the requested file connects to the service, the requested file is retrieved from that system and then distributed to the other systems which had requested the file. (See Meadway, Abstract).

Resenius discloses a method of communicating via a network with the aid of a wireless application protocol (WAP) between a first application in a first computer unit and a second application in a second computer unit, wherein the first application is a Windows application. The first computer unit includes a WinSock TCP base provider operating beneath WinSock SPI, and a TCP/UDP/IP stack operating beneath said WinSock TCP base provider. The first application includes a function for communicating by means of TCP/IP via the TCP/UDP/IP stack and the WinSock TCP base provider. The first computer unit also includes a module and a WAP stack. The module includes the function of forming an interface between said WAP stack and the first application. (See Resenius, Abstract).

Lev Ran discloses a method for enabling access to a data resource which is held on a file server on a first local area network (LAN) by a client on a second LAN. A proxy receiver on the

second LAN intercepts a request for the data resource submitted by the client and transmits a message via a wide area network (WAN) to a proxy transmitter on the first LAN requesting the data resource. The proxy transmitter retrieves a replica of the data resource from the file server and conveys the replica of the data resource over the WAN to the proxy receiver which serves the replica of the data resource from the proxy receiver to the client over the second LAN.

### III. The Claimed Subject Matter Is Patentable Over The Cited Prior Art

In contrast to Meadway, claim 1 recites a method for use by a local agent module associated with a local computer. As recited in the claim, the local agent polls “a server for a task request, the task request generated by a remote client computer, the task request requesting a file from the local computer.” The server thus facilitates a remote user’s access to local files on a local computer, without the need to directly access the local files or the local file structure. Meadway, on the other hand, teaches away from the method of claim 1 by disclosing a centralized service that requires a comprehensive searchable index of files reported by each device. The agent disclosed in Meadway is associated with a server, retrieves file structure information, and maintains a searchable index of files (see, e.g., Meadway Col 5, Lines 10-25). Applicants respectfully submit that the passages from Meadway cited by the Examiner do not disclose nor render obvious claim 1 as contended.

Turning to the specific passages cited by the Examiner, Meadway Col 5, Lines 29-36, discloses an agent present at a server that indexes the files stored on the server. In contrast, claim 1 recites “polling a server for a task request, the task request generated by a remote client computer, the task request requesting a file from the local computer,” wherein an agent is associated with a local computer. Meadway Col 4, Lines 50-62, cited by the Examiner, discloses a server periodically checking the validity of existing brochures on websites. In contrast, the claim recites a local agent waiting for a schedule timer to expire and repeating at least the act of polling a server for a task request. The other passages cited by the Examiner likewise are directed to actions associated with a server retrieving comprehensive file structure information and maintaining a searchable index of files. Claim 1, on the other hand, recites at least three

different computing devices which are physically separate, i.e., (1) a local computer on which a requested file resides, (2) a server, and (3) a remote client computer that is requesting the file on the local computer. Accordingly, Applicants respectfully submit that Meadway does not disclose nor render obvious claim 1.

Resenius fails to cure the deficiencies of Meadway. Resenius generally describes communication via a network with the aid of a wireless application protocol between a first application in a first computer unit and a second application in a second computer unit, but does not teach or suggest the elements recited in claim 1. Lev Ran also fails to cure the deficiencies of Meadway. Lev Ran generally describes a method for enabling access to a data resource held on a file server on a first LAN by a client on a second LAN, but does not teach or suggest the elements recited in claim 1.

For at least the above reasons, Applicant respectfully submits that the combination of Meadway, Resenius, and Lev Ran fails to disclose or suggest claim 1. Independent claims 8 and 15 recite similar elements as claim 1 and thus Meadway, Resenius, and Lev Ran fail to disclose or suggest claims 8 and 15. Since the combination of Meadway, Resenius, and Lev Ran fails to disclose all of the elements of the independent claims, dependent Claims 2-6, 9-14, 16, and 19-20 cannot be rendered obvious by the cited combination per MPEP §2143.03. Applicants respectfully request reconsideration and withdrawal of the 35 USC §103 rejection.

Furthermore, dependent claims 2 and 9 disclose setting up local agent and remote client preferences, initiating the act of polling based on the local agent preferences, and initiating an act of uploading based on the remote client preferences. Applicants submit that Meadway Col. 11 Lines 8-12 do not disclose the elements of claims 2 and 9 as contended by the Examiner. Dependent claims 4, 5, 11, 12 and 18 variously recite initiating a request to the local computer file system for the file, receiving the file from the local computer file system, instructing the local computer file system to upload the file to the server; and receiving an indication that the file was uploaded to the server. Applicants submit that Meadway Col. 6 Lines 3-9, 32-61 and Col. 11 Lines 65-67 and Col. 12 Lines 1-10 do not disclose the elements of claims 4, 5, 11, 12 and 18 as contended by the Examiner.

Dependent claims 6, 7, 13, 14, 19 and 20 variously recite initiating a request to a message access protocol interface for the file from a message access protocol interface database, instructing the file to be sent to the server from the message access protocol database, and receiving the file from the message access protocol database. Applicants submit that Meadway Col. 6 Lines 32-61 and Resenius Col. 8 Lines 3-9 do not disclose the elements of claims 6, 7, 13, 14, 19 and 20 as contended by the Examiner.

Lastly, the limitation of “wherein the act of polling is performed by the local agent, the local agent comprising a simple object access protocol (SOAP) interpreter to communicate with a task processor that communicates with the schedule timer and a local computer file system” has been removed from claim 1 and similar terms have been removed from the other independent claims, namely, claims 8 and 15. Applicant hereby retracts any arguments in connection with this amendment distinguishing the relied on art, thereby restoring the claim scope to their prior state, per *Hakim v. Cannon*, 479 F.3d 1313 (Fed. Cir. 2007). Any art considered in light of this rescinded amendment may need to be re-visited. *Id.* at 1318.

### **Conclusion**

Applicant respectfully submits that the pending claims patentably define over the cited art and respectfully requests reconsideration of all pending claims. Should the examiner have any further suggestions for expediting the prosecution of the presently pending claims, the undersigned respectfully asks the examiner contact him at **206-903-2474**.

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